

**Notice of Allowability**

Application No.

10/806,807

Examiner

Allana Lewin

Applicant(s)

NERENBERG, ARNOLD P.

Art Unit

3764

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 12/19/2005.
2. ☒ The allowed claim(s) is/are 2-8, 10-14, 16-29, 31-37, 39-43 and 45-61.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

 Primary Examiner

## DETAILED ACTION

### *Allowable Subject Matter*

Claims 2-8, 10-14, 16-29, 31-37, 39-43, 45-61 are allowed.

The following is an examiner's statement of reasons for allowance:

Randolph (US Pat. No. 5,616,111), shown in the figure below, discloses an exercise apparatus comprising a flat back support structure having a first frame attached to a flat sitting structure having a second frame, the back support structure and sitting structure together forming a body support structure, a padding structure attached to the back support structure, and an exercising structure attached to the body support structure comprising a first structure movably attached to a second structure, an attachment device and a resistance means.

Randolph does not teach a plurality of elongated members attached to the frame structures, padding attached to both sides of both frame structures, or a third frame structure.

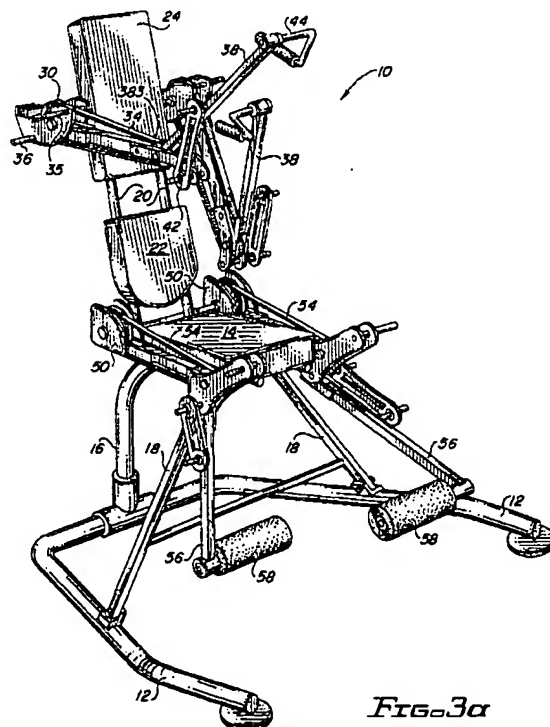
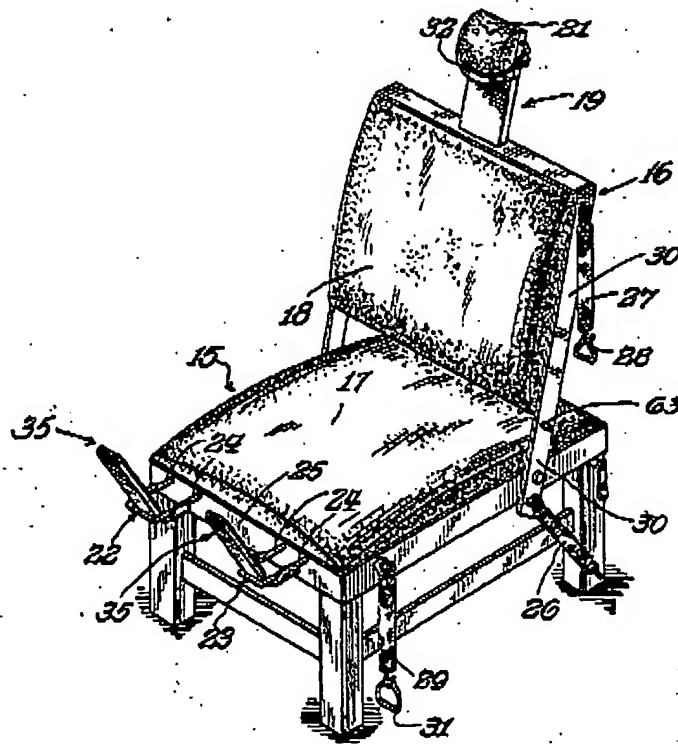


FIG. 3a

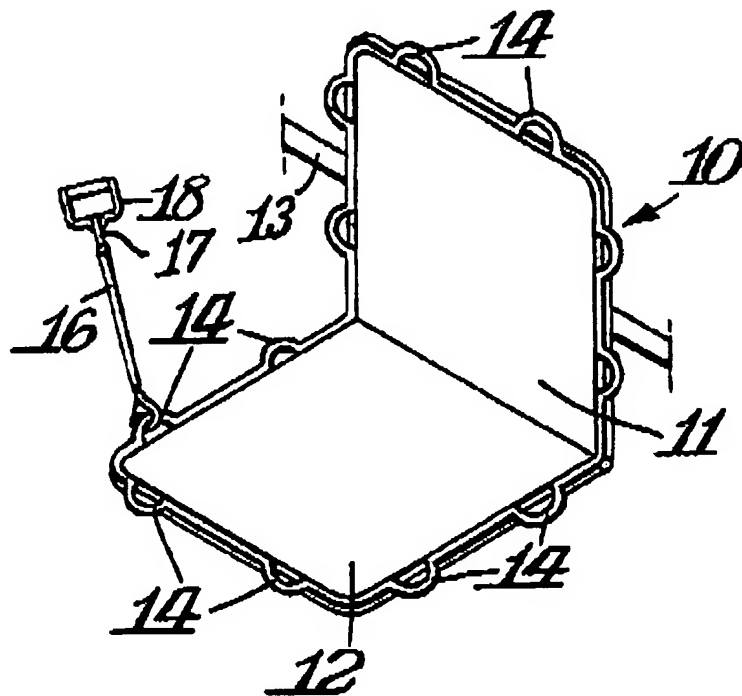
Chavin (US Pat. No. 1,973,945), shown in the figure below, discloses an exercising apparatus having a body support structure comprising flat back support structure on a first frame, a flat sitting structure mounted on a second frame, the sitting structure being pivotally attached to the back support structure, first and second elongated members attached to the first frame, third and fourth elongated members attached to the second frame, first padding structure attached to the flat back support structure, second padding structure attached to the flat sitting structure, and an exercising structure removably attached to the body support structure.

Chavin does not teach padded structures attached to the second side of the frames, armrest structures removably attached to the elongated members, or a third frame structure attached to the elongated members.



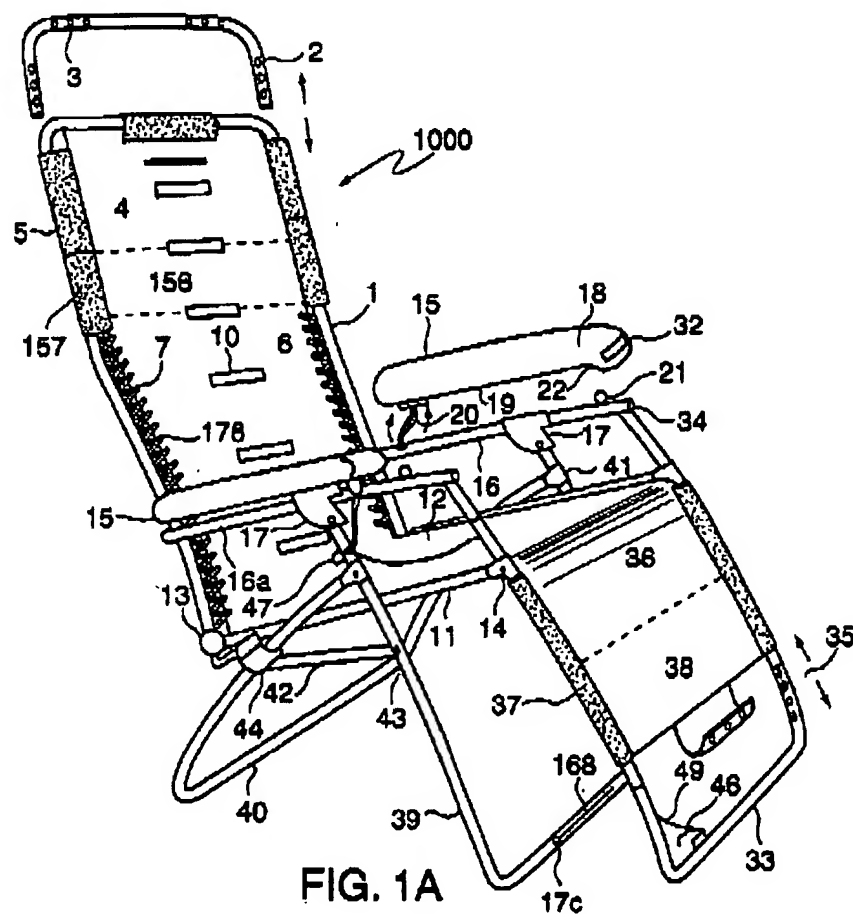
Rich (US Pat. No. 6,500,104), shown in the figure below, discloses a portable seat exercise device having a body support structure comprising a flat back support structure mounted on the first side of a first frame and a flat sitting structure mounted on the first side of a second frame, and an exercising structure removably attached to the body support structure.

Rich fails to disclose or provide motivation for elongated members attached to the frames, padded structures attached to the second side of the frames, or an exercising structure with a first structure movably attached to a second structure.



Lardieri et al. (US Pat. No. 6,755,463), shown in the figure below, discloses a portable chair having a body support structure comprising a back support structure composed of a first flat structure mounted on a first frame and a sitting structure composed of a second flat structure mounted on a second frame, elongated members attached to the first and second frames, as well as armrests attached to elongated members.

Lardieri fails to teach or provide motivation for padding attached to both sides of both frames, attachment of an exercising structure, or a third frame structure.



The prior art of record fails to teach or provide motivation for a portable exercise apparatus comprising a back support pivotally attached to a sitting structure, both the back support and sitting structures being substantially flat and having padding attached to both sides thereof, the back support and sitting structures having a plurality of elongated members attached thereto, with an exercising structure as claimed by Applicant that is removably attached to the device. Furthermore, the prior art of record does not teach or provide the motivation for removable armrest structures or a third frame structure in conjunction with the aforementioned back support structure, sitting structure, elongated members and exercising structure.

The method claims provide a method for the allowed apparatus.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allana Lewin whose telephone number is 571-272-5560. The examiner can normally be reached on Monday-Friday, 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AL  
3/3/2006



Primary Examiner